

श्री कमला मिश्र मधुकर (मोतिहारी) :
उपाध्यक्ष जी, मुझे आज की कार्यसूची की मद संख्या 12 में निम्नलिखित संशोधन करने की अनुमति दी जाय :

(1) बिहार और उत्तर प्रदेश में सभी चीनी मिलों के खिलाफ एवं सरकार की किसान विरोधी नीति की वजह से गन्ना पैदा करने वाले किसान चीनी मिलों को गन्ना देना 21 दिसम्बर, 1981 से बन्द कर देंगे ।

इससे होने वाली भयावह स्थिति पर अगले सप्ताह में विचार होना चाहिये ।

(2) बिहार में गैर-राजपत्रित कर्मचारियों की हड़ताल जारी रहने के कारण आवश्यक सेवाएँ सुचारु रूप से नहीं चल रही हैं जिसके परिणामस्वरूप राज्य में स्थिति बिगड़ रही है । मैं केन्द्र सरकार से अनुरोध करता हूँ कि वह इस मामले में हस्तक्षेप करे और यह सुनिश्चित करने के लिये कदम उठाये कि वहाँ आवश्यक सेवाएँ संतोषजनक ढंग से चलती रहें ।

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
AND DEPARTMENT OF PARLIAMENTARY
AFFAIRS (SHRI P. VENKATASUBBAIAH):
Hon. Members have made certain useful suggestions. And my Hon. friend has anticipated the reply. Sir, this would be brought to the notice of the Business Advisory Committee.

MR. DEPUTY-SPEAKER: Not in this Session.

SHRI P. VENKATASUBBAIAH: Of course, when the Business Advisory Committee meets.

There are other things which they have mentioned. We have allotted some time for discussion on the Sixth Five Year Plan. The items which

the Hon. Members have mentioned could be very well brought out during that discussion.

About the Aligarh Muslim University, we have included it in the items of business for the next week. We are bringing forward an amendment Bill.

About other matters, about famine in Rajasthan and all that, during the last session, there was a Calling Attention notice also which was discussed. As I said earlier, this matter could be discussed when the discussion on the Sixth Plan is taken up in the House.

As regards the education system and setting up of a steel plant in Uttar Pradesh and all these matters, I think, some of them could be discussed during the Plan discussion.

About the alleged stoppage of supply of sugarcane to sugar mills in Bihar and the strike by non-gazetted employees in Bihar, these are State-matters. I do not think these matters strictly come under the purview of the Central Government.

Whatever useful suggestions have been made and rightly pointed out will be placed before the Business Advisory Committee at the appropriate time.

14-32 hrs.

STATUTORY RESOLUTION RE APPROVAL OF NOTIFICATION DECLARING SERVICES UNDER ASSAM ELECTRICITY BOARD AS ESSENTIAL SERVICES WITH IN THE STATE OF ASSAM AND SUPPLEMENTARY DEMANDS FOR GRANTS (ASSAM), 1981-82:

MR. DEPUTY-SPEAKER: We take up item Nos. 13 and 14 together.

[Mr. Deputy Speaker]

Shri Atal Bihari Vajpayee and Prof. Madhu Dandavate have given notices for raising points of order and opposing the Resolution on grounds of violation of statutory requirements in regard to Statutory Resolution to be moved by Shri Yogendra Makwana under the Essential Services Maintenance (Assam) Act, 1980.

I permit Shri Vajpayee and Prof. Dandavate to raise their points of order.

Shri Vajpayee—not here.

PROF. MADHU DANDAVATE (Rajapur): Sir, I want to oppose the very moving of this Statutory Resolution by the Hon. Minister.

The Notification was issued on 17th November, 1981. I have with me a copy of the Essential Services Maintenance (Assam) Act, 1980. If you go through Section 2 and sub-section (2), the sub-section (2) says:

“Every Notification issued under sub-clause (v) of Clause (b) of sub-section (1) shall be laid—please note the words ‘shall be laid’—before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session”.

When the Notification was issued on 17th November, 1981, this House was not in session. The House commenced its work on 23rd November, 1981. We find, as far as the notification is concerned—I have checked the records; here is the Lok Sabha Bulletin Part-I which gives the information—it was laid on the Table of the House on 30th November, 1981. The statutory provision is that when the Notification is issued, if the House is not in session, on the very first day of the commencement of the session the Notification has to be laid on the

Table of the both Houses of Parliament. From the Lok Sabha Bulletin, Part-I, it is quite clear that it was laid on the Table only on 30th November, 1981.

This is a clear breach of procedure. They will try to wriggle out of the situation. I know that. But I would at least request you that you must pull up the Treasury Benches for such lapses. There was one more occasion on which a similar blunder was committed by the Government. They expressed regret then. But when one expresses regret, one accepts regret in the hope that such mistakes will not be committed in future. But again we find that the same tendency is manifested by the Government. Though the Notification was issued on 17th November, 1981, it was laid on the Table on 30th November, 1981 when the session commenced on 23rd November, 1981. Actually seven days after the commencement of the Session of Lok Sabha, the said notification was laid on the Table of the House. It is a clear breach of the statutory provisions of this particular Act under which the Notification is being issued. Therefore, I challenge the very right of the Hon. Minister to move this Resolution. I hope, Sir, you will uphold my point of order.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): It is right that sub-section (ii) of section 2 of the Essential Services Maintenance (Assam) Act, 1980, provides that a notification issued under this Act should be placed on the Table of the House at the earliest or on the first day of the meeting of the next Session. In fact, this Notification should have been as the Hon. Member has rightly pointed out, placed on the Table of the House on 23rd November, 1981, because it was issued on 17th November, 1981. But there were certain circumstances beyond the control of the Government. I received this Notification on 24th

November, 1981. After that, I got it translated into Hindi because in Assam there is no facility for translation into Hindi. I had to get it translated into Hindi and get it cyclostyled also in Hindi. It was late in the evening of 24th that I received the Notification; on 25th I got it translated into Hindi and got it cyclostyled and intimated to Rajya Sabha and Lok Sabha Secretariats on 26th November, 1981; I requested the Secretariats of Lok Sabha and Rajya Sabha that, at the earliest, I wanted to place it on the Table of the House. The earliest dates were 27th, 28th and 29th. The Rajya Sabha and Lok Sabha Secretariats admitted on the agenda of 30th because 28th and 29th were holidays; about 27th, I do not know why it was not entered into for that day. I placed it on the Table of the House on the 30th. These were the circumstances which were beyond our control. When I placed it on the Table, I placed it with an explanatory memorandum. The Hon. Member might have seen the explanation also.

PROF. MADHU DANDAVATE: They are trying to pass on the baby from one hand to another. All that the Hon. Minister has said is that on 24th evening they received the copy of the Notification.....

MR. DEPUTY-SPEAKER : He said about translation.

PROF. MADHU DANDAVATE: Do not defend them unnecessarily, Sir. It is not a defensible act at all. What I wish to point out is this. Which agency of the Government is responsible for the lapse is none of our consideration, none of our business; whether the Home Minister has failed in placing the Notification on the Table of the House or their own agents in Assam have failed to give them the Notification in right time, it is none of the concern of the Lok Sabha. The Lok Sabha is only concerned about effective implementation of the statutory provisions of the Act.

Again, the provision does not say 'may'; it says 'shall'. On the very first day it had to be laid. Therefore, this particular excuse is not acceptable. It is for the second time that they are indulging in this. Therefore, I would like you to uphold my point of order and pull up the Treasury Benches.

SHRI YOGENDRA MAKWANA: After all, the State Government and Central Government are different, though it is under President's rule. It is the mistake of somebody in the Government of Assam. I have called for the explanation of the officers.

MR. DEPUTY SPEAKER: His point is, it had to be placed on the first day and it was not placed.....

SHRI YOGENDRA MAKWANA: That is what I have explained. It was because the circumstances were beyond our control. As early as possible, I have placed it on the Table of the House.

PROF. MADHU DANDAVATE: If, under President's rule, they cannot manage the affairs of the State, then it need not be handed over to them.

SHRI SOMNATH CHATTERJEE (Jadavpur): This is a provision where a specific date is mentioned. Generally you will find that, whenever the provision for laying rules, notifications, etc., is made in a Statute—now-a-days every Act has to provide for that—it says 'as soon as possible', after the commencement of Session. But here a specific date has been given, and the importance of the date will be clear if you look at the Explanation: I have got a copy here. Page 3 of this book—you please see, Sir. I hope it is not the Makwana edition you are reading, Sir!

Kindly, see. It says that it has to be approved within 40 days from the

[Shri Somnath Chatterjee]

date of presenting it in the House and explanation also says from which date 40 days will be counted. That says from the date of commencement of the session. If a statute says specifically a particular date without any provision for extension, then how can you permit something to be done which is the grossest violation of the law. Law does not permit it. There is no question of extending. You cannot amend a statute. We cannot amend a statute in this manner. We have to amend the statute. Let them bring the legislation or let them wait for the session to be over and issue an ordinance. This will be changing the law. How can the law be changed like this? I am glad that Prof. Madhu Dandavate has pointed out this thing. It is not a question of allowing or suffering it. We have to suffer Makwana in various ways. What can we do? But here it is a violation of law. It cannot be done.

SHRI YOGENDRA MAKWANA: I explained the circumstances under which it was delayed and I have admitted that there was a delay. That also I have admitted. I have also simultaneously explained the circumstances under which it was delayed.

MR. DEPUTY-SPEAKER: You also regret the delay.

SHRI YOGENDRA MAKWANA: And I regret the delay.

PROF. MADHU DANDAVATE: For the sake of the record at least let it go on record that there was a breach of the statutory provision of the law. You give a ruling whether there was a violation of the statutory provision of the law.

SHRI SOMNATH CHATTERJEE: When the statute has said the first day, he has done it on the seventh day. In one day they can take all the State Governments but can they

say, 'We are not responsible for the State Governments.

MR. DEPUTY-SPEAKER: The notification has already been laid on the Table on 30-11-1981 along with a statement explaining the delay.

Since approval of the notification is a statutory requirement under subsection (2) of section 2 of the Essential Services Maintenance (Assam) Act, 1980, Shri Makwana may move the Resolution. However, I am referring the matter regarding delay in laying the Notification to the Committee on Papers Laid on the Table under Rule 305-B.....(*Interruptions*)

PROF. MADHU DANDAVATE: You have already said delay and all these things and why are they taking place. I have sought your ruling on a specific point. There is a breach of a statutory provision. Let it go on record, if you agree.

MR. DEPUTY-SPEAKER: However, I am referring the matter regarding delay in laying the Notification to the Committee on Papers Laid on the Table under Rule 305-B. I am referring it. They will go into it.

SHRI SOMNATH CHATTERJEE: That Committee cannot change the law. That Committee only goes into the matter when there is any inordinate delay. Here the statutory provision is there.

PROF. MADHU DANDAVATE: You please give the ruling whether there was any violation of the statutory provisions. We have pointed out to you the section.

MR. DEPUTY-SPEAKER: That is what I have said. I am referring the matter regarding delay in laying the Notification to the Committee on Papers laid on the Table under Rule 305-B. Now, the Hon. Minister may move the resolution.

PROF. MADHU DANDAVATE: I want a clarification. Do I take it that you agree that there is a violation of the statutory provisions of the Act ?

MR. DEPUTY-SPEAKER : We will send the proceedings of the House also to the Committee...

PROF. MADHU DANDAVATE: This is never the procedure...
(Interruptions)

MR. DEPUTY SPEAKER: I may make it very clear. Wherever there are such specific provisions, they must be honoured... (Interruptions)

MR. DEPUTY-SPEAKER: I have said that they must be honoured.

This is enough...You wanted a ruling. I have given the ruling.

PROF. MADHU DANDAVATE: You just listen to me. What is implicit in your ruling must be made explicit. What I want to say is that we have pointed out to you that statutory provisions have been violated. Kindly give your ruling that the provisions are violated and you are referring this matter to the Committee.

MR. DEPUTY-SPEAKER: That means the provisions have not been honoured in this case. Don't you follow that ?

PROF. MADHU DANDAVATE: All right. (Interruptions)

MR. DEPUTY SPEAKER: As I said there are provisions which must be honoured Mr. Makwana, you may now move your Resolution.

SHRI YOGENDRA MAKWANA: Sir, I beg to move:

"That in pursuance of sub-section (2) of section 2 of the Essential Services Maintenance (Assam) Act, 1980 (41 of 1980), as amended by the Essential Services Maintenance Act, 1981 (40 of 1981), this House approves the issue of the notification of the Government of Assam, Political (A) Department, No. PLA 583/81/106, dated the 17th November, 1981, declaring the services in connection with production, supply and distribution of electricity including other services under the Assam State Electricity Board constituted under the Electricity (Supply) Act, 1948, to be essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980 (41 of 1980)". (Interruptions)

AN. HON. MEMBER: This is the Government that works.

श्री सुरज भान (अम्बाला) : उपाध्यक्ष महोदय, इनको एस० पी० ने अपने हाथों से पीटा है। उनको टांगें टूटी हैं और सर फूटा है और केवल इतनी ही बात नहीं है, उन्होंने ऐसे अलफाज इस्तेमाल किए हैं कि तुम हरिजन हो, हरिजन एम० पी० बन कर तुम्हारा दिमाग खराब हो गया है। मैं तुम को ठीक कर रहा हूँ। यह उसने कहा है।

PROF. MADHU DANDAVATE: There is a physical torture on the Member. (Interruptions)

SHRI SAMAR MUKHERJEE: You are seeing this with your own eyes.

MR. DEPUTY-SPEAKER: To-day, we have discussed this. The Speaker has already given his ruling.

श्री सुरज भान : यह कल को किसी के साथ भी हो सकता है ।

MR. DEPUTY-SPEAKER : Hon. Members, yesterday the issue was raised and the Speaker said that he had already called for a report from the Home Ministry....

(ब्यवधान)

एक माननीय सदस्य : यह भी उसने कहा है कि तुम हरिजन हो । अपनी आकात भूल गये हो ।... (ब्यवधान) ...

MR. DEPUTY SPEAKER : We have not yet received the report.

श्री रामावतार शास्त्री (पटना) : उस एस० पी० को इसमिस किया जाना चाहिए ।... (ब्यवधान) ...

श्री सुरज भान : वह एस० पी० मुख्य मंत्री का बाजू है । वह अपने को मुख्य मंत्री समझ रहा है ... (ब्यवधान) ।

SHRI RAVINDRA VARMA (Bombay-North): Sir, the S.P. had the temerity to make this attack on an Hon. Member. It is also reported that he had said that 'you are a harijan ; you claim to be a M.P. Here you have it'. If this were to happen to a harijan member and if the harijan members are being treated like this, then they have no right to remain in office. It is the duty of the Government to protect the rights of the harijans.

MR. DEPUTY SPEAKER: Please listen. The Home Minister has something to say.

SHRI RAVINDRA VARMA: We know it very well. (*Interruptions*)

MR. DEPUTY SPEAKER: Sir, we want to make it clear....

MR. DEPUTY-SPEAKER : One by one.

SHRI RAVINDRA VARMA: We know very well, Sir, that you are highly conscious of the rights and privileges of the Members of the House, and share the extreme intensity of our feelings, our desire to ensure that every duty that has been cast on this Government is discharged to protect the rights of the harijans of this country: that they are given equal treatment. There is no difference between your intense feelings in this matter and the feelings of the Members on this side. Therefore, to whom shall we turn to seek protection, except to you, who happen to be in the Chair at this moment? What shall we do when we see this oscular demonstration of the way the Government discharges its responsibility towards the harijan community of this country?

Sir, there is this feeling about the way this Government is permitting insult to the Hon. Member of the House, the way they are protecting the rights of the Members of the House and the way the equality of the harijans enshrined in our Constitution is violated. I know my Hon. friend is also equally concerned with this; I know it. But what is he going to do—make amends for it, or will he just say 'sorry'? Will he order an immediate judicial inquiry and punish the concerned S.P.?

MR. DEPUTY SPEAKER: Please sit down. Let us hear the Home Minister. (*Interruptions*)

SHRI G. M. BANATWALLA (Ponnani): Sir, there is not even need for a judicial inquiry. The Hon. Member is here. He is a respectable member of this House. An immediate action against that S.P. should be taken.

SHRI RAVINDRA VARMA:
The matter should also be immediately referred to the Privileges Committee. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: Sir, it happened day before yesterday. What has the Government done since then? *(Interruptions)*

SHRI YOGENDRA MAKWANA: Sir, yesterday this matter was raised in the House and as you and the Hon. Members know very well I was busy with the House till late evening. Immediately I went to my office I sent the message to the State Government to send a detailed report. I have not till now received the detailed report from the State Government... *(Interruptions)*. Even today morning I had sent a wireless message to the State Government to send me the detailed report.

Sir, what has happened is really undesirable and pathetic. I can assure the Hon. Members that we will ask the State Government to immediately institute an inquiry. *(Interruptions)*

Without hearing me you say everything. So, Sir, I said an inquiry will be instituted in this case. If the Hon. Members want it to be a judicial inquiry there is no doubt about it that we will ask the State Government to institute a judicial inquiry. Sir, unless the inquiry commission gives its report it is not possible to suspend the person concerned immediately.

PROF. MADHU DANDAVATE:
Mr. Deputy Speaker, Sir, I want to seek a clarification from the Hon. Minister. Whenever it is an action against the working class in that case pending the official inquiry about the employee, very often the Department

of the Government suspends the employee concerned and then the proceedings are held. So, pending the inquiry he should be suspended.

(Interruptions)

SHRI YOGENDRA MAKWANA:
I will write to the State Government for taking necessary action and will ask them to take suitable action as they think necessary against the officers who have committed this.

(Interruptions)

MR. DEPUTY-SPEAKER: I will communicate the feelings of the Members to the Hon. Speaker. Hon. Speaker has already given his observations yesterday. I will suggest Mr. Jatiya to go and see the Speaker. That is all. *(Interruptions)*

SHRI SOMNATH CHATTERJEE: Sir, it has been brought to the notice of the Government earlier. They ought to know that a Member of Parliament has been treated in this manner. *(Interruptions)*. The only positive action taken by Mr. Makwana is to send for a report. *(Interruptions)* Sir, the State Government beats a person and goes to sleep; they do not send any report. And the Central Government says, it has nothing to do with it. It is a funny attitude.

SHRI N. K. SHEJWALKAR (Gwalior): May I put a question? What for are the suspension rules provided?

SHRI SOMNATH CHATTERJEE: If such a thing had happened in West Bengal, Mr. Makwana would have come out with a lengthy statement against the West Bengal Government.

MR. DEPUTY-SPEAKER: On judicial enquiry he has agreed.

AN HON. MEMBER: What is your reaction?

MR. DEPUTY-SPEAKER : I am equally sorry that such a thing happened. I have said it. Now, Mr. Makwana to continue.

SHRI YOGENDRA MAKWANA : Sir, the All Assam Student's Union and the All Assam Gana Sangram Parishad, who have been spearheading the Assam agitation on the foreigners' issue, had been giving calls from time to time for Assam Bandh and for non-cooperation by Government, semi-Government and Public Corporation Employees and employees of various statutory boards and corporations. These calls led to serious disruption of public life, working of public/Government offices and caused grave hardship to the community. The employees of Assam Electricity Board, which has got the monopoly of the production, generation and distribution of electricity in the State of Assam also participated in calls for 'Bandhs' and 'non-cooperation' given by AASU and AAGSP. The employees of the Board under 'Vidhyut Karamchari Parishad' are active participants in the movement on the Foreigners' issue.

The AASU and AAGSP revived their agitation on the foreign nationals issue and gave a call for Bandh for 36 hours on the 19th and 20th November, 1981. The employees of the State Electricity Board who are supporting the movement were likely to respond to the call of the agitation leaders for resuming the agitation. The 'Bandh' could therefore have disrupted electricity services in the entire State and caused grave hardship to the people of the State. It was in this context that the question of invoicing the provisions of the Essential Services Maintenance (Assam) Act, 1980 was considered by the Government of Assam. The State Government was of the opinion that strikes in the services in connection with the production, supply and distribution of electricity including other services under the Assam State

Electricity Board constituted under the Electricity (Supply) Act, 1948 would prejudicially affect the maintenance of supplies and services necessary for the life of the community and would result in the infliction of grave hardship on the community. They therefore declared these services under sub-clause (v) of clause (b) of sub-section (1) of section 2 of the Essential Services Maintenance (Assam) Act, 1980 as amended by the Essential Services Maintenance Act, 1981 (40 of 1981) to be essential services within the State of Assam for the purpose of the aforesaid Act. By another order, strikes in the essential services so notified were prohibited.

I commend that the Resolution approving the issue of the notification by the Government be passed by the House.

MR. DEPUTY-SPEAKER : We have taken items 13 and 14 together. When Members speak they can also include the Supplementary Demands (Assam).

Resolution moved :

"That in pursuance of sub-section (2) of section 2 of the Essential Services Maintenance (Assam) Act, 1980 (41 of 1980) as amended by the Essential Services Maintenance Act, 1981 (40 of 1981), this House approves the issue of the notification of the Government of Assam, Political (A) Department, No. PLA 583/81/106, dated the 17th November, 1981, declaring the services in connection with production, supply and distribution of electricity including other services under the Assam State Electricity Board constituted under the Electricity (Supply) Act, 1948, to be essential services within the State of Assam for the purpose of the Essential Services Maintenance (Assam) Act, 1980 (41 of 1980)."

Motion moved:

“That the respective Supplementary sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of the State of Assam to defray the charges that will come in course of payment during the year ending the 31st day of March, 1982, in respect of heads of demands entered in the second column thereof—

Demand Nos. 26, 30, 55 and 63.”

Supplementary Demands for Grants (Assam) 1981-82 submitted to the vote of Lok Sabha

No. of Demand	Name of Demand	Amount of Demand for Grant submitted to the vote of the House	
		Revenue Rs.	Capital Rs.
1	2	3	
26.	Administrative Training	2,34,000	—
30.	State Lotteries	4,31,000	—
55.	Agriculture	10,00,000	—
63.	Industries	—	37,50,000

15.00 hrs.

MR. DEPUTY-SPEAKER : Now, Mr. Somnath Chatterjee to speak.

SHRI SOMNATH CHATTERJEE (Jadavpur): Sir, so far as this Resolution is concerned, it seeks to extend the draconian law against the workers in Assam. I oppose this Resolution.

MR. DEPUTY-SPEAKER : Mr. Somnath Chatterjee, you may continue your speech afterwards because we have to take up the next item in the List of Business.

15.01 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-THIRD REPORT

MR. DEPUTY-SPEAKER: Now, we take up the Private Members' Business.

Mr. P. Parthasarathy.

SHRI P. PARTHASARATHY (Rajampet): I beg to move:

“That this House do agree with the Thirty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th December, 1981.”

MR. DEPUTY-SPEAKER : The question is:

“That this House do agree with the Thirty-third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 16th December, 1981.”

The motion was adopted.

15.03 hrs.

RESOLUTION RE STEPS TO SET-UP INDUSTRIAL PROJECTS UNDER CENTRAL SECTOR IN WEST BENGAL—(Contd.)

MR. DEPUTY-SPEAKER : The House will take up further consideration of the following Resolution moved by Shri Chitta Basu on 11 September, 1981 :—

“This House recommends that urgent steps be taken to set up certain industrial projects under the Central Sector like petro-chemical complex at Haldia, as proposed by